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**Rules of**  
**Department of Transportation**  
**Division 10—Missouri Highways and Transportation**  
**Commission**  
**Chapter 19—Contractor Drug Testing Program**

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**Title 7—DEPARTMENT OF  
TRANSPORTATION  
Division 10—Missouri Highways and  
Transportation Commission  
Chapter 19—Contractor Drug Testing  
Program**

*injury to others that even a momentary lapse of attention can have disastrous consequences and thus drug testing of such employees further an important governmental interest. In the same way, the duties of highway construction contractor employees include such risks of injury to others.*

**7 CSR 10-19.010 General Program Requirements**

*PURPOSE: This rule provides drug testing program requirements for contractors' employees working on highway projects within the state of Missouri to ensure the safety of contractor and subcontractor employees, Department of Transportation employees and the traveling public. Federal law already requires contractors to provide drug testing for employees possessing commercial drivers licenses; this rule extends the requirements to include all employees working in safety-sensitive positions.*

(1) Any prime contractor doing work on a highway project shall establish, implement and enforce, at its own cost, a drug testing program for its employees and shall ensure that a program is in place by its subcontractors for its employees who shall be working on the site of a state highway project.

(2) The drug testing program shall include post-accident testing, random testing, reasonable suspicion testing and return to duty testing and shall utilize collection, testing, analysis and reporting specifications which meet or exceed the provisions contained in 49 CFR part 40 and 49 CFR part 382.

(3) Attestation of compliance with this rule will be required in the initial bid contract furnished to the contractor.

(4) False certification of compliance with this rule will result in removal from the current project and could result in debarment from future highway projects.

*AUTHORITY: sections 226.130, RSMo Supp. 1997 and 227.030, RSMo 1994 and Art. IV, Sec. 29 of the Mo. Const.\* Original rule filed Nov. 17, 1997, effective May 30, 1998.*

*\*Original authority: 226.130, RSMo 1939, amended 1993, 1995 and 227.030, RSMo 1939.*

*Skinner v. Railway Labor Executives Ass'n, 489 U.S. 602; 109 S. Ct. 1402; 103 L.Ed.2d 639 (1989). Drug testing is not considered unconstitutional if the important governmental interest furthered by the testing outweighs individual privacy interests. The duties of railroad employees include such risks of*